

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7754 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

-----  
SHARDABEN AMRUTLAL GUJJAR

Versus

STATE OF GUJARAT

-----  
Appearance:

MR CG SHARMA for Petitioners

Ms.Harsha Devani, A.G.P. for Respondent No. 1

MR A.J.Patel for Respondent No. 4

-----  
CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 08/09/1999

ORAL JUDGEMENT

1. The prayer in this writ petition is for a writ of certiorari for quashing the order of the Appellate Authority passed on 29.4.1995 in an Appeal arising under the Urban Land (Ceiling & Regulation) act, 1976. Learned Counsel for the petitioner states that the land has not vested with the State Government inasmuch as possession

has not been taken over by the State Government and as such the matter under ULC Act abates. Shri A.J.Patel for respondent No. 4 also admits this fact that possession has not been taken over by the State. Learned A.G.P., on the other hand, is unable to give any definite information whether possession has been taken over by the State or not. She states that definite instruction was given in writing to the concerned official to give information whether State has taken over possession or not. She further informs that nobody has turned up from the side of the State to give her definite information. For this the State has to suffer. There is no reason to disbelieve the statement made at the bar by the learned Counsel for the petitioner and the respondent No.4. As such in view of the provisions contained in the Repealing Act the matter under Urban Land Ceiling Act, 1976 abates. Learned Counsel for the petitioner and respondent No.4 states that there is inter-se dispute regarding civil rights between them in respect of the land in Suit. Their civil rights will not be affected by the order of abatement and they will be free to agitate their civil rights before the competent Court.

With this direction the petition is finally disposed of with no order as to costs.

sd/-

Date : September 08, 1999 ( D. C. Srivastava, J. )

\*sas\*